

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

CRIMINAL CASE NO. 3:08cr121

UNITED STATES OF AMERICA, )

)

)

vs. )

)

)

DERRICK THOMAS. )

)

ORDER

**THIS MATTER** is before the Court on the Defendant's *pro se* Motion to Request a copy of Sentencing Transcript [Doc. 25].

The Defendant's sentence was pronounced on May 29, 2009 although the actual Judgment has not yet been filed. The Defendant filed a *pro se* Notice of Appeal on June 2, 2009. He now requests the preparation of a sentencing transcript, presumably at government expense.

Throughout the Defendant's criminal prosecution, he has been represented by retained counsel. As a result, the Defendant has never been determined to be indigent and the Court may not order the preparation of a sentencing transcript at government expense.

Federal Rule of Appellate Procedure 24 provides in pertinent part:

[A] party who desires to appeal *in forma pauperis* must file a motion in the district court. The party must attach an affidavit that:

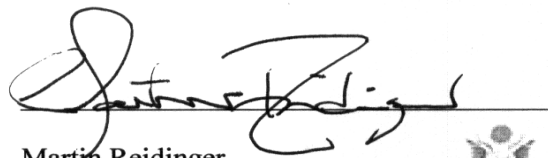
- (A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs;
- (B) claims an entitlement to redress; and
- (C) states the issues that the party intends to present on appeal.

Fed.R.App.P. 24(a)(1).

The Clerk of Court will be requested to send a copy of Form 4 to the Defendant. The Defendant may then determine whether he seeks to receive *in forma pauperis* standing.

**IT IS, THEREFORE, ORDERED** that the Defendant's *pro se* Motion to Request a copy of Sentencing Transcript [Doc. 25] is hereby **DENIED** without prejudice to renewal.

Signed: June 11, 2009

  
Martin Reidinger  
United States District Judge

